



Town of Frederick
Board of Trustees Agenda
Frederick Town Hall
401 Locust Street
Tuesday, June 9, 2015

6:30 P.M.
Work Session
General Discussion

7:00 P.M.
Regular Meeting

Call to Order – Roll Call:

Pledge of Allegiance:

Approval of Agenda:

Liquor Licensing Authority:

LLA Consent Agenda: Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless an Authority member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda

1. Approval of May 19, 2015 Minutes – Meghan Martinez, Secretary

LLA Action Agenda

2. The Frederick Store, Inc. Permanent Modification of Premises – Kristin Brown, Town Prosecutor
3. 7-Eleven 3.2% Liquor License Renewal – Kristin Brown, Town Prosecutor
4. The Smokehouse Temporary Modification of Premises – Kristin Brown, Town Prosecutor

Special Presentations:

Carbon Valley Relay for Life Community Funding Request – Kim Messina

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Public Comment: This portion of the Agenda is provided to allow members of the audience to provide comments to the Town Board. Please sign in and the Mayor will call you. If your comments or concerns require an action, that item(s) will need to be placed on a later Agenda. Please limit the time of your comments to three (3) minutes.

Staff Reports:

- A. Administrative Report – Matt LeCerf, Town Manager
- B. Town Clerk’s Report – Meghan Martinez, Town Clerk

Consent Agenda: Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless a Board member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda

- C. Approval of May 12, 2015 Minutes – Meghan Martinez, Town Clerk
- D. Approval of June 2, 2015 Minutes – Meghan Martinez, Town Clerk
- E. License Agreement between Savannah Master Association Inc. and the Town of Frederick, Colorado – Matt LeCerf, Town Manager

Action Agenda:

- F. Resolution 15R36 Establishing a Business District Identification Sign – Jennifer Simmons, Planning Director

Discussion Agenda:

- G. Inquiry on Art in Public Places Fund – Matt LeCerf, Town Manager and Rick Samson, Town Attorney

Mayor and Trustee Reports:

Work Session: General Discussion



TOWN OF FREDERICK LIQUOR LICENSING AUTHORITY

MEETING MINUTES

FREDERICK TOWN HALL, 401 LOCUST STREET

MAY 19, 2015

Call to Order: At 6:00 Vice Chair Brown called the meeting to order.

Roll Call: Present were Vice Chair Brown, and Authority Members Payne, Skates, Burnham, Schiers and Hudziak. Chairman Carey was not present. Also present were Town Prosecutor Kristin Brown and Authority Secretary Meghan Martinez.

Pledge of Allegiance: Vice Chair Brown invited everyone to join in the Pledge of Allegiance.

Action Agenda:

Buck Wilds Saloon Show Cause Hearing: Jacob Starkovich, Special Prosecutor, addressed the Authority regarding the request to continue from Buck Wilds Saloon. Robert Trent appeared pro se as the licensee of Buck Wilds Saloon. Special Prosecutor Starkovich indicated that he did not object to the Authority granting a continuance as Mr. Trent is not represented and has not received discovery in the case. Robert Trent addressed the Authority and requested a continuance to a later date.

There was much discussion of the Authority regarding potential dates for the hearing.

Motion by Authority Member Payne and seconded by Authority Member Schiers to continue the hearing to June 30 at 7:00 pm. Upon roll call vote, motion passed unanimously.

Authority Member Payne expressed concerns about whether witnesses would be available at that date and time. Licensing Secretary Martinez provided additional dates to the Authority for consideration. The Authority felt it was important to schedule a back-up date in the event the 30th didn't work for the parties.

Motion by Authority Member Skates and seconded by Authority Member Hudziak to consider the 15th of June as an alternate date. Upon roll call vote, motion failed 3-3 with Authority Members Payne, Burnham, and Brown voting no.

Motion by Authority Member Schiers and seconded by Authority Member Burnham to approve July 7, 2015 at 7:00 p.m. as an alternate hearing date. Upon roll call vote, motion passed unanimously.

The parties were instructed to contact Authority Secretary Martinez by Friday, May 22, 2015 and communicate with her whether their witnesses were available on the June 30th date. If witnesses were not available, the hearing would be scheduled on July 7th at 7:00 p.m.

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There being no further business of the Authority, Vice Chair Brown adjourned the meeting at 6:31 p.m.

Approved by the Liquor Licensing Authority:

ATTEST:

Tony Carey, Chair

Meghan C. Martinez, Secretary



401 LOCUST STREET • P.O. BOX 435 • FREDERICK, CO 80530-0435

PHONE: (720) 382-5500 • FAX: (720) 382-5520

WWW.FREDERICKCO.GOV

APPLICATION FOR COMMUNITY PROGRAM FUNDING

DATE 5-26-15

DATE RECEIVED 5-26-15

ORGANIZATION NAME: Relay for Life of Carbon Valley

CONTACT PERSON: Kim Messina or Crystal Carmody

ORGANIZATION ADDRESS: 2255 S. Oneida St. Denver, CO 80224

HOW IS YOUR ORGANIZATION STRUCTURED? (Example: non-profit corporation)

501C Non-Profit

LIST OFFICERS IN THE ORGANIZATION:

PRESIDENT/CHAIRPERSON: Kim Messina & Crystal Carmody

SECRETARY: Lynn Wooten, American Cancer Society

BOARD OF DIRECTORS:

Theresa Curtis, Silent Auction

Robin Hanson, Team Development

Heather Sewczak, Team Development

Jenny Lovins, Team Development

Bernice Zadel, Publicity

George Rusk, Sponsorship

PROJECT OR ACTIVITY INFORMATION

Describe the event or program for which you are seeking funding. (Attached additional information if necessary)

Relay for Life of Carbon Valley, a fundraiser
for the American Cancer Society

Date of Event/Activity July 11-12, 2015

Duration: 18 hours

Date when funds will be needed, June ¹²~~11~~th, 2015

Estimate of the number of people who will benefit from this event/activity.

~ 450

How will this event/activity enhance the Town of Frederick's positive image?

Participation is vital to overall cohesiveness of the
community.

Describe any other ways in which this event/activity will contribute to the good of the general public.

Relay for Life of Carbon Valley is one of the largest
local events in the area, bringing together people
from Frederick, Firestone, Dacono, Erie & Longmont.

It is a time for local residents to share memories
of friends and relative lost to cancer, ^{and} celebrate
survivors.

EVENT/ACTIVITY BUDGET INFORMATION

List the estimated budget for this event/activity:

Source of Funding	Amount
Town of Frederick	\$ <u>1,000</u> (amount of this request)
<u>Other Sponsors</u>	\$ <u>9,000</u>
<u>Team Fundraising</u>	\$ <u>70,000</u>
	\$ _____
Total Funding	\$ <u>80,000</u>
Estimated Costs	Amount
<u>5-890</u>	\$ <u>5,600</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Costs	\$ <u>5,600</u>

If applicable, please describe how your organization plans to utilize any surplus funds resulting for this event/activity.

All surplus funds go directly to the American
Cancer Society.

Name and Signature of Organization's Project Chairperson:

<u>Kim Messina</u>	<u>720-933-7444</u>
NAME (PLEASE PRINT OR TYPE)	TELEPHONE
<u>Event Co-Lead</u>	
TITLE	
<u>Kim Messina</u>	<u>5/26/15</u>
SIGNATURE	DATE

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return) AMERICAN CANCER SOCIETY, INC.	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <input checked="" type="checkbox"/> Other (see instructions) ▶ NON-PROFIT	Exemptions (see instructions): Exempt payee code (if any) 1 Exemption from FATCA reporting code (if any) A
	Address (number, street, and apt. or suite no.) 250 WILLIAMS STREET, NW, SUITE 400	
	City, state, and ZIP code ATLANTA, GA 30303-1002	
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)
Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> on page 3.
Social security number [] [] [] - [] [] [] - [] [] [] [] [] []
Employer identification number 1 3 - 1 7 8 8 4 9 1
Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Part II Certification
Under penalties of perjury, I certify that:
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below), and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.
Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.
Sign Here Signature of U.S. person ▶ <i>[Signature]</i> Date ▶ _____

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. The IRS has created a page on IRS.gov for information about Form W-9, at www.irs.gov/w9. Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the

withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.



TOWN OF FREDERICK MEMORANDUM

TO: Honorable Mayor Tony Carey and Board of Trustees

FROM: Meghan Martinez, Town Clerk

DATE: June 3, 2015

SUBJECT: Town Clerk Report

- *Liquor Licensing.* Reviewing the following applications.
 - One Liquor License Renewal Application
 - One New Liquor License Application set for Hearing 6/23/15
 - One Special Event Permit Application – Farmers Market
 - One Transfer of License Application
- *Frederick Arts Commission.* The Community Canvas program will be taking applications until June 19, 2015. Coordinated with Commission, Community Relations, and POST to discussion signage for public art.
- *Open Records Request.* Completed nine open records requests.
- *Commission Work Sessions.* Scheduled joint work sessions with staff representatives. Researching information related to applications. Working with Mayor Pro Tem Brown to compile documents to be sent to the commissions.
- *Community Funding Requests.* Additional draft sent to Town Attorney for comments and review.
- *Secretary of State Elections Training.* Attended Elections Training with Colorado Secretary of State's Office. This class will count toward certification as an elections official.
- *Resolution/Ordinance Audit.* Conducting an audit of all Town Ordinances and Resolutions. Updating documents lists and working with the code company to correct any errors.
- *Board Employee Evaluations.* All evaluations for Board Employees have been scheduled for 2015. They have been added to the Board Calendar.
- *Secretary of State Elections Training.* Attended Elections Training with Colorado Secretary of State's Office. This class will count toward certification as an elections official.

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- *Business Licensing.* The following new business licenses have been issued:
 - American Equipment 3762 Eureka Way Suites C and D – Overhead Crane Inspections, Repair, Maintenance and Testing.
 - Carefree Ice LLC – Home Based Business Leasing Commercial Ice Machines
 - Lorilee's Chocolates and Gifts 539 Oak Street #B – Chocolates and other gift items.



TOWN OF FREDERICK BOARD OF TRUSTEES
REGULAR BOARD MEETING MINUTES
FREDERICK TOWN HALL, 401 LOCUST STREET
MAY 12, 2015

Call to Order: At 7:00 Mayor Carey called the meeting to order and requested roll call.

Roll Call: Present were Mayor Carey, Mayor Pro Tem Brown, and Trustees Payne, Skates, Burnham, Schiers and Hudziak. Also present were Town Manager Matt LeCerf, Town Attorney Rick Samson, and Town Clerk Meghan Martinez.

Pledge of Allegiance: Mayor Carey invited everyone to join in the Pledge of Allegiance.

Special Presentations:

Frederick Firestone Fire Protection District Quarterly Update: Battalion Chief Iacino presented the first quarter report and was available to answer questions.

Frederick High School Alumni Association Funding Request: Candis Schey appeared on behalf of the Association and requested \$100.00 for a hole sponsorship for the annual golf tournament. Motion by Trustee Schiers and seconded by Trustee Hudziak to approve \$100 for the Frederick High School Alumni Association. Upon roll call vote, motion passed unanimously.

I Have a Dream Foundation: Lori Canova, 2204 LaSalle Street Superior, Colorado, shared information with the Board regarding the I Have a Dream Foundation. Sean Corey, Legacy Elementary School Principal, also addressed the Board regarding the I Have a Dream Foundation.

Public Comment:

Jeff Giovanetto, 7182 Canyon Way Frederick, Colorado, discussed street issues within the Countryside neighborhood.

Staff Reports:

Administrative Report: Town Manager Matt LeCerf provided a written report to the Board.

Town Clerk's Report: Town Clerk Meghan Martinez provided a written report to the Board.

Consent Agenda:

Motion by Mayor Pro Tem Brown and seconded by Trustee Payne to approve the following items on the consent agenda:

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1. April 28, 2015 Minutes

Upon roll call vote, motion passed unanimously.

Action Agenda:

Town of Frederick Scholarship: Mayor Carey discussed the recommendations from the Scholarship Commission for the 2015 Frederick Scholarship Awards. Kaley Birge, 8814 Welsh Lane Frederick, Colorado introduced herself to the Board.

Motion by Trustee Schiers and seconded by Trustee Payne to award the 2015 Frederick Scholarship to Kaley Birge. Upon roll call vote, motion passed unanimously.

Motion by Trustee Payne and seconded by Trustee Skates to award the 2015 Frederick Scholarship to Alex Kolanowski. Upon roll call vote, motion passed unanimously.

Mayor Carey indicated that the Scholarship Commission is considering adding an interview portion to the application next year.

Motion by Mayor Pro Tem Brown and seconded by Trustee Hudziak to approve Resolution 15R30. Upon roll call vote, motion passed unanimously.

Mayor and Trustee Reports:

Trustee Payne: The POST Commission has met about the park conditions survey. They will be assessing the parks over the next few weeks.

Trustee Schiers: Nothing at this time.

Trustee Skates: Attended Miners Day Commission Meeting. The commission has finalized the music for the event. The Commission would like feedback from the Board regarding the parade route. The Board is generally in favor of the route for this year's event. The Commission is also in need of volunteers.

Trustee Hudziak: Nothing at this time.

Trustee Burnham: Nothing at this time.

Mayor Pro Tem Brown: She reminded the Board there will be an executive session for the Town Prosecutors evaluation on June 2, 2015. She attended the school tours

Mayor Carey: He will be at ICSC next week. Town Manager LeCerf will be sending out information on the public safety tax. He asked Town Manager LeCerf to discuss the CML vacancy.

Town Manager Matt LeCerf discussed the opportunity on the CML Executive Board and requested the Board authorize him to submit his name.

Motion by Trustee Skates and seconded by Trustee Schiers endorse Town Manager Matt LeCerf for the CML Board at the Election in June. Upon roll call vote, motion passed unanimously.

There being no further business of the Board, Mayor Carey adjourned the meeting at 8:05 p.m.

Approved by the Board of Trustees:

ATTEST:

Tony Carey, Mayor

Meghan C. Martinez, Town Clerk



TOWN OF FREDERICK BOARD OF TRUSTEES
REGULAR BOARD MEETING MINUTES
FREDERICK TOWN HALL, 401 LOCUST STREET
MAY 26, 2015

Call to Order: At 7:00 Mayor Carey called the meeting to order and requested roll call.

Roll Call: Present were Mayor Carey, Mayor Pro Tem Brown, and Trustees Skates, Burnham, Schiers and Hudziak. Trustee Payne was not present. Also present were Town Manager Matt LeCerf, Town Attorney Rick Samson, and Town Clerk Meghan Martinez.

Pledge of Allegiance: Mayor Carey invited everyone to join in the Pledge of Allegiance.

Special Presentations:

Consideration of Litigation Counsel for Dacono Litigation: Town Attorney Rick Samson introduced Andy Nathan to the Board and recommended retention as litigation counsel for the Dacono litigation. Motion by Trustee Skates and seconded by Trustee Schiers to retain Andy Nathan and his firm in the Dacono Litigation Matter. Upon roll call vote, motion passed unanimously.

Carbon Valley Chamber of Commerce Community Funding Request: June Werner, Vice President of the Carbon Valley Chamber of Commerce discussed the upcoming CO Craft Beer Roundup and requested support of the event. Motion by Trustee Skates and seconded by Trustee Schiers to support the Chamber in the amount of \$1,210.00. Upon roll call vote, motion passed unanimously.

Public Comment: Mayor Carey indicated that no one had signed up for Public Comment.

Staff Reports:

Administrative Report: Town Manager Matt LeCerf provided a written report to the Board.

Town Clerk's Report: Town Clerk Meghan Martinez provided a written report to the Board.

Town Attorney's Report: Town Attorney Rick Samson provided a written report to the Board.

Consent Agenda:

Motion by Mayor Pro Tem Brown and seconded by Trustee Schiers to approve the following items on the consent agenda:

1. May 12, 2015 Minutes
2. List of Bills

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3. Resolution 15R33 Stating the Town's Opposition Legislation Titled HB 15-1348 Unreasonable Barriers to Urban Redevelopment and Requesting Governor Hickenlooper Veto said HB 15-1348

Upon roll call vote, motion passed unanimously.

Action Agenda:

Resolution 15R31 Authorizing the Mayor to Execute an Agreement with No Name Creek Investors, LLC: Town Manager Matt LeCerc presented the proposed resolution and discussed the agreement with No Name Creek Investors. Motion by Trustee Schiers and seconded by Trustee Burnham to approve Resolution 15R31. Upon roll call vote, motion passed unanimously.

Resolution 15R32 Authorizing a Supplemental Appropriation and Amending the 2015 Calendar Year Budget: Planning Director Jennifer Simmons presented the proposed resolution amending the budget for the poured-in-place at No Name Creek's Eagle Park. Motion by Trustee Burnham and seconded by Trustee Skates to approve Resolution 15R32. Upon roll call vote, motion passed unanimously.

Resolution 15R34 Authorizing the Mayor to Execute an Intergovernmental Agreement with Miners Village Metropolitan District #1: Town Manager Matt LeCerc presented the proposed resolution and IGA. He indicated that the metro district has requested changes to the document. Motion by Trustee Burnham and seconded by Trustee Skates to approve Resolution 15R34 contingent on the review by the Town Attorney and Town Manager. Upon roll call vote, motion passed unanimously.

Mayor and Trustee Reports:

Trustee Schiers: Nothing at this time.

Trustee Skates: Nothing at this time.

Trustee Hudziak: She attended the last DBA meeting and she is very anxious to see what they do this year. She attended the school tours and it was interesting to see the things the kids wanted in the Town. She also asked that staff would look into the light for the eagle carving on Frederick Way and Highway 52.

Trustee Burnham: The Arts Commission had a question regarding the language related to who pays into the Art in Public Places Fund. Motion by Trustee Burnham and seconded by Trustee Schiers for Town staff to look into the issue related to the Art in Public Places Fund and provide a memo to the Board. Upon roll call vote, motion passed unanimously. He also apologized to the Board but he is unable to attend the retreat.

Mayor Pro Tem Brown: The Commission Appreciation event is on the 27th and it starts at 5:00. Thank you to Meghan for all the work on the certified record.

Mayor Carey: He attended ICSC with Matt and there seems to be a growing interest in this area. He asked Matt to talk about the consultant that attended ICSC with them. Matt discussed the

consultant and her involvement with coordinating meetings. He proposed that the Board hire the consultant for another month. Motion by Trustee Hudziak and seconded by Mayor Pro Tem Brown to authorize the Town Manager to extend the contract by one month. Upon roll call vote, motion passed unanimously.

He also asked Town Clerk Martinez to share with the board when she is going to be out of the office. Town Clerk Martinez indicated she would be out of the office the first week in August. Motion by Trustee Schiers and seconded by Trustee Burnham to cancel the August 11, 2015 Board Meeting. Upon roll call vote, motion passed unanimously.

At 7:48 Mayor Carey called for a 5 minute break.

At 7:55 Mayor Carey called the meeting back to order.

Motion by Mayor Pro Tem Brown and seconded by Trustee Burnham to go into executive session To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. 24-6-402(4)(a). Upon roll call vote, motion passed unanimously.

At 8:45 Mayor Carey called the regular meeting of the Board of Trustee back to order.

There being no further business of the Board, Mayor Carey adjourned the meeting at 8:46 p.m.

Approved by the Board of Trustees:

ATTEST:

Tony Carey, Mayor

Meghan C. Martinez, Town Clerk



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem
Rafer Burnham, Trustee
Fred Skates, Trustee

Amy Schiers, Trustee
Gavin Payne, Trustee
Donna Hudziak, Trustee

License Agreement Between Savannah Master Association Inc. and The Town of Frederick Colorado

Agenda Date: Town Board Meeting - June 9, 2015

Attachments: a. License Agreement

Finance Review:

Finance Director

Submitted by:



Town Manager

Approved for Presentation:



Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

Summary Statement:

The agreement introduced will permit for the Savannah HOA to maintain the east side of the right of way of Weld County Road 15 in front of their subdivision.

Detail of Issue/Request:

Recently the Town was approached by representatives of the Savannah HOA. They have a strong passion for continuing to improve their subdivision. Some of the recent projects include: installation of new fencing around the perimeter of their subdivision and construction installation of a new gateway sign to their subdivision. They recently approached the Town about the possibility of maintaining the right of way as they want to make other possible improvements that would help beautify the property adjacent to their subdivision. In the spirit of cooperation and partnership, the two parties' attorneys developed an agreement by which this could be accomplished. Based on the agreement Savannah HOA will maintain this right of way until such time as they desire not to do so anymore, or the Town decides

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to maintain this area of right of way. Any termination of the agreement would need to happen via formal letter, but overall I believe this a benefit and a win-win for both parties.

Legal Comments:

The document provided along with the exhibit were approved and drafted by the Town attorney.

Alternatives/Options:

The Town could choose not to approve the agreement as presented which subsequently the Town will continue to maintain this area at this time.

Financial Considerations:

Not Applicable.

Staff Recommendation:

The staff recommends approval of the agreement as presented.

**SAVANNAH MASTER ASSOCIATION, INC. AND
TOWN OF FREDERICK, COLORADO
LICENSE AGREEMENT**

1. **PARTIES.** The parties to this Agreement are the Town of Frederick, Colorado (Town) and the Savannah Master Association, Inc. (HOA). The Town and the HOA shall jointly be referred to as the Parties.

2. **RECITALS.** The HOA desires to obtain the permission of the Town to continue to maintain the right of way between Weld County Road 15 and the boundary of their subdivision, as generally depicted on EXHIBIT A.

3. MAINTNENANCE.

3.1. The Town grants permission for the HOA to continue to maintain the right of way. The Town grants the HOA exclusive responsibility for watering, mowing, maintaining, repairing, improving and keeping the area free of weeds and rubbish. The obligations and benefits of this Agreement shall run with the property described on EXHIBIT A.

3.2. In the event the Town needs to access the right of way for any municipal purpose, it shall not be responsible for damage done to the right of way that interferes with the operation and maintenance of the right of way.

3.3. The HOA agrees not to put any structures, either temporary or permanent in the right of way.

3.4. If the HOA fails to properly maintain, repair or replace any portion of the right of way for which it is responsible after 60 days' notice of the need for the same, the Town may at its own option, conduct its own maintenance or repair of the right of way, and the HOA shall reimburse the Town for the cost of such work within 30 days. In the event the HOA fails to maintain or repair the right of way, it shall be held liable for any loss, damage or injury to the Town. If the Town conducts its own maintenance and repair, it does not waive the right to hold the HOA liable for damages caused the HOA's failure to maintain or repair.

3.5. In the event of any emergency, the Town may conduct maintenance or repair immediately, giving notice to the HOA at the time the emergency repairs are made by telephone of the HOA's managing agent, which the Town may obtain by checking the name and address of the HOA's registered agent and office as maintained by the HOA with the office of the Colorado Secretary of State and in writing to the contact identified in paragraph 11.

4. LIABILITY AND INDEMNIFICATION.

4.1. By virtue of entering into this Agreement, the Town: (1) assumes no additional liability for use, operation, or maintenance of the right of way; and (2) assumes no additional responsibilities or obligations related to the HOAs future or

additional activities in the area described in EXHIBIT A which are required by this Agreement.

4.2. To the extent permitted by law, the HOA agrees to indemnify and hold harmless the Town, from all claims and liability for damage or injury to property or persons arising or caused directly or indirectly by the HOA's maintenance, restoration, maintenance of, or failure to maintain, the right of way.

5. **TERM.** This Agreement may terminated at any time by either party with 30 days' notice.

6. **NOTICES.** Any notice required or permitted by this License Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by first class mail, postage and fees prepaid, addressed to the party to whom such notice is intended to be given at the address set forth below, or at such other address as has been previously furnished in writing to the other party or parties. Such notice shall be deemed to have been given when deposited in the U.S. mail.

Town of Frederick
c/o Town Manager
P.O. Box 435
Frederick, CO 80530

Savannah Master Association, Inc.
In care of the registered agent and
registered office, as maintained by the
HOA with the office of the Colorado
Secretary of State

7. **WAIVER OF BREACH.** The waiver by any party to this Agreement of a breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by any party.

8. **DEFAULT.** Time is of the essence, and if any payment or any other condition, obligation or duty is not timely made, tendered or performed by either party, the non-defaulting party shall have the right to an action for specific performance or damages or both.

9. **EXHIBITS.** All exhibits referred to in this Agreement are, by reference, incorporated in this Agreement for all purposes.

DATED: _____

Town of Frederick

Savannah Master Association, Inc.

By _____
Matthew S. LeCerf

By _____
, Its President

STATE OF COLORADO)
) ss.
COUNTY OF WELD)

The foregoing instrument was subscribed and sworn to before me this ____ day of May 2015, by Matthew C. LeCerf, Town Manager, Town of Frederick, CO.

Witness my hand and official seal.

My commission expires: _____

Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF WELD)

The foregoing instrument was subscribed and sworn to before me this ____ day of May 2015, by _____ as President of the Savannah Master Association, Inc.

Witness my hand and official seal.

My commission expires: _____


Notary Public

Savannah Master Association, Inc.
License Agreement
May ____, 2015
P a g e | **4**

EXHIBIT A

[To be attached]

Exhibit A
Savannah Homeowners Association
License Agreement

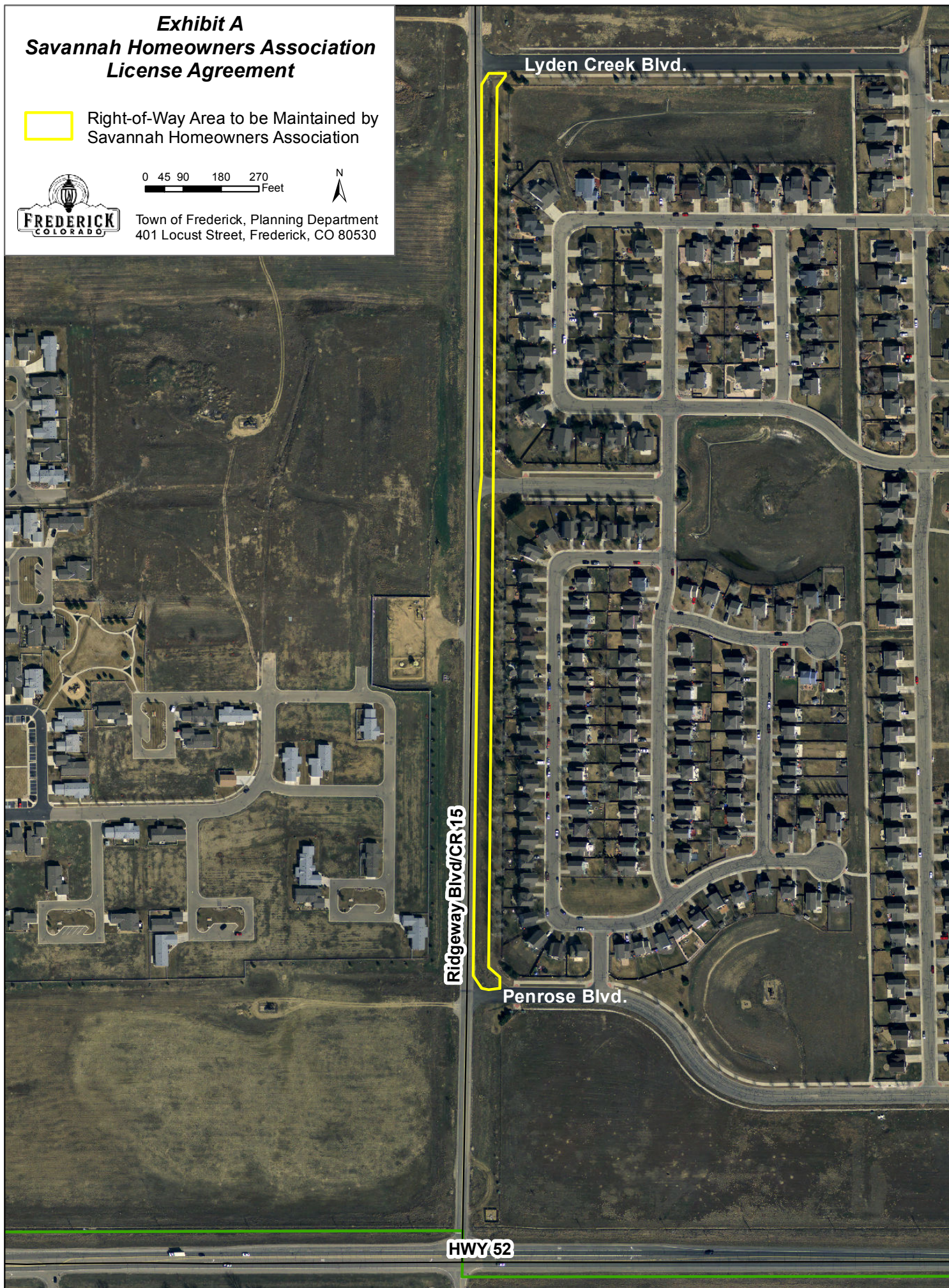
 Right-of-Way Area to be Maintained by Savannah Homeowners Association



0 45 90 180 270 Feet



Town of Frederick, Planning Department
401 Locust Street, Frederick, CO 80530



Lyden Creek Blvd.

Ridgeway Blvd/CR 15

Penrose Blvd.

HWY 52



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/1/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Main Street Insurance 20 N Main #203 St George UT 84770		CONTACT NAME: Kaleb DeMille PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS: kaleb@msiagency.com	
INSURED Hydrologic Inc 1315 11th St Greeley CO 80631		INSURER(S) AFFORDING COVERAGE INSURER A: Ohio Security Insurance Company INSURER B: The Hartford INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			BLS56659093	5/1/15	5/1/16	EACH OCCURRENCE	\$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300,000
							MED EXP (Any one person)	\$ 15,000
							PERSONAL & ADV INJURY	\$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	\$ 2,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG	\$ 2,000,000
	OTHER:							\$
B	AUTOMOBILE LIABILITY			BAS56659093	5/4/15	5/4/16	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS	<input checked="" type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB						EACH OCCURRENCE	\$
	EXCESS LIAB						AGGREGATE	\$
	DED	RETENTION \$						\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			34WECBY7365	5/1/15	5/1/16	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y / N					E.L. EACH ACCIDENT	\$ 100,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> N / A					E.L. DISEASE - EA EMPLOYEE	\$ 100,000
							E.L. DISEASE - POLICY LIMIT	\$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Blanket additional insured applies as per form CG 88 10 04 13.
City of Frederick
401 Locust Street
Frederick, CO 80530

CERTIFICATE HOLDER**CANCELLATION**

City of Frederick c/o MSI LLC 11002 Benton Street Westminster, CO 80020	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Kaleb DeMille

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TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem
Rafer Burnham, Trustee
Fred Skates, Trustee

Amy Schiers, Trustee
Gavin Payne, Trustee
Donna Hudziak, Trustee

To Consider Establishing a Business District Identification Sign

Agenda Date: June 9, 2015

Attachments:

- a. Letter from Business Owners dated June 1, 2015
- b. Vicinity map
- c. Resolution 15R36

Finance Review: _____
Finance Director

Submitted by: _____
Jennifer Simmons
Planning Director

Approved for Presentation: _____

Town Manager

☒ Quasi-Judicial

☐ Legislative

☐ Administrative

Summary Statement:

The business owners within Clark Plaza would like to have an off-site sign advertising their businesses.

Detail of Issue/Request:

As you may have noticed, the previous sign advertising Clark Plaza was removed and replaced with a new sign that advertises Clark Plaza. The original intent of the sign was to advertise not only the plaza, but to also provide an opportunity for each individual business to have their sign posted so that it's more easily viewed by the passing public.

Chapter 7 of the Land Use Code governs all signs. A few of the definitions relevant to this project include:

- off-site signage – any sign not pertinent and clearly incidental to the permitted use on the property where located.

Built on What Matters.

- Business District Identification – a sign for the identification of a specific business improvement or redevelopment area approved by the Board of Trustees.

Each individual unit within Clark Plaza is individually owned. The property where the sign is located is owned by another party which is amenable to having the sign located there. Therefore, the sign along 5th Street is technically an off-site sign. For reference, a map is attached showing lot lines and the general location of the sign.

The Board of Trustees is specifically granted authority in Section 7.9.7.a to grant the ability to have a Business District Identification Sign which thereby allows off-site signage. In order to make the finding that this Business District Identification Sign is acceptable, the Board must determine that the sign does not:

1. Interfere with pedestrian or vehicular safety;
2. Detract from the pedestrian quality of the surrounding area; or
3. Add to an over-proliferation of signs on one (1) property or in an area.

Staff finds that the current location of the sign does not interfere with pedestrian or vehicular safety nor does it detract from the pedestrian quality of the surrounding area. While it may feel like an abundance of signage for the site, given its proximity to the residential neighborhood surrounding downtown and the government offices, it does not create an over-proliferation of signs on the property or in the area. The individual business signs are large enough to be read by passers-by, but not so large as to be visually intrusive.

Legal Comments:

This is an appropriate use of a Business District Identification Sign designation under the code.

Alternatives/Options:

The Board of Trustees may choose to approve, deny or approve this request with conditions.

Financial Considerations:

Not Applicable.

Staff Recommendation:

Staff recommends conditional approval of this request.



1 June 2015

Dear Members of the Town Board,

I am writing on behalf of the businesses located in Clark Plaza, addresses 320 5th Street through 340 5th Street, to request approval of the recently erected signage to be classified as a Business District Identification Sign, under section 7.9.7.A of the Land Use Code. We believe the signage meets all of the required criteria, and approving its use as a Business District Identification Sign will allow the business owners within Clark Plaza to display their individual business signage which will substantially increase visibility, foot traffic, and overall success of their small businesses. I am happy to act as a liaison between the Town, the Business, and Clark Plaza Management on this topic.

Thank you for your time and consideration,

William Ayer
President, Downtown Frederick Business Association

Rick Hinojos
American Family Insurance

Peter Kaiser
Styria Bakery

Ken Hammer
Hammer Time Pizza

Mark Ringdahl
Tri-City Dental

Semyon Nirman
Snoopy's Gun Shop

Adriana Melgar
Frederick Store

Troy & Kathy Templeton
Aspen Dental Arts

Becky Lyall
Becky Lyall Real Estate

The Ogden Group

541 Oak Street, PO Box 320 | Frederick | CO 80530
phone: +1 720 428 2700
www.ogdentechology.com



Clark Plaza Vicinity Map

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 15-R-36**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
A BUSINESS DISTRICT IDENTIFICATION SIGN AS AN
OFF-PREMISES SIGN**

WHEREAS, the Town of Frederick pursuant to the Frederick Land Use Code Section 7.9.7.a. has the authority to designate business district identification sign as off-premises signs; and

WHEREAS, the proposed sign for the Clark Plaza meets the criteria for an off-premises business district identification sign.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF
FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. The Board finds that the proposed sign for Clark Plaza meets or exceeds the criteria in the Frederick Land Use Code Section 7.9.7.a. and is therefore declared to be a Business District Identification Sign.

Section 2. This finding is specifically conditioned upon the applicant applying for and being issued a building permit for the sign.

Section 3. Effective Date. This resolution shall become effective immediately upon adoption.

Section 4. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 5. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND SIGNED 9TH DAY OF JUNE, 2015.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, Town Clerk

By _____
Tony Carey, Mayor



TOWN OF FREDERICK MEMORANDUM

TO: Honorable Mayor Tony Carey and Board of Trustees

FROM: Matt LeCerf, Town Manager
Rick Samson, Town Attorney

DATE: June 4, 2015

SUBJECT: **Inquiry on Art in Public Places Fund**

At a recent Board meeting the Town Manager and Town Attorney were directed by the Mayor and Board of Trustees to investigate sources that contribute to the 1% Art in Public Places Fund. Currently, funding is derived only from Town budgeted construction projects totaling more than \$25,000.00. The question specifically is should this 1% allocation also be associated with construction projects preformed by developers in our community.

General Background

Ordinance #522 was adopted by the Mayor and Board of Trustees in 1999 (a copy is attached), not by a ballot measure. At the time, this was an extremely progressive concept to help develop our community art program. The outcomes from this program include numerous bronze sculptures, murals, and memorial exhibits just to name a few. When this ordinance was adopted there was no A.M. associated with it. Consequently we are forced to make some interpretation on our own which is based specifically on what has been done historically and based on conversations with those near the impetus of the enactment of the code.

Issues

Within the ordinance there are two items which need provide some guidance on the intent of the ordinance. The first section is the following definition of construction project:

“Construction project” means the construction rehabilitation renovation, remodeling, equipping, or improvement of any building, street, park, utility line or public improvement by or for the Town including all associated landscaping, parking, and the like, but excluding any improvement made by any special improvement district and any other improvements exempted by the Board of Trustees from the requirement of Section 3-3 after a public hearing there on.

Built on What Matters.

Another section that needs to be considered is:

Section 3-3 Funds for Works of Art

There shall be included in all estimates of necessary expenditures and all requests for authorizations or appropriations for construction projects an amount for works of art equal to at least 1% of the construction cost. If any project is partially funded from any source which precludes art as an object of expenditure of funds, then this section shall only apply to the amount of funds not so restricted all funds set aside for works of art shall be paid into the reserve account.

These two sections of the original ordinance that was created have some conflicts within them. The definition for example, mentions the exclusion of “any improvements made by any special improvement district and any other improvements exempted by the Board of Trustees...” One would possibly interpret that this would mean that if the improvement did not come from the special improvement district but potentially a developer that this may be included in a 1% assessment, but it does not explicitly state or clarify this. To date the Town’s precedence is that we have not contributed 1% on developer paid improvements. Under section 3-3 the code section states that “included in all estimates of necessary expenditures and all requests for authorizations or appropriations for construction projects an amount for arts of work equal to at least 1% based on construction.” Based on this one could infer that the art programing is funded from budgeted expenditures within the Town of Frederick’s budget. Unfortunately this situation on where exactly is the best position leaves the Town in kind of an unknown area as to how to address these items.

Current Condition

Based on the information and the way in which this has been historically handled since 1999 based on the information that we have, we know the following;

1. There in no instance where developer has been asked to pay the 1% for the art in public places programing, based on the improvements they have preformed.
2. We are unable to verify any instances where the Town of Frederick has paid the 1% to the art in public places fund for improvements made by developers.
3. The construction improvements greater than \$25,000 in cost a 1% allocation has been budgeted by the Town for Town projects and placed into the art in public places fund.

The issues on which staff needs direction are the following:

1. Do you agree with the interpretation that the 1% is to be paid by the Town out of fees paid by developers but is not an additional fee to be paid by developers?
2. Do you agree that development fees paid by “special improvement districts” include metro districts such as the Miners Village Metro District and are therefore not subject to the 1% payment? Furthermore, do you believe it needs to be expanded to any developer improvements that are not paid for by the Town?

250
**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 522**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO ESTABLISHING THE
ART IN PUBLIC PLACES PROGRAM.**

WHEREAS, the Board of Trustees desires to enhance the quality of life in the Town of Frederick, and

WHEREAS, it is desirable to have art to beautify those areas of the Town which are accessible to the public, and

WHEREAS, the Board of Trustees believes that the image of the Town can be enhanced through the creation and placement of unique artwork throughout the community.

**NOW, THEREFORE THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK
HEREBY ORDAINS:**

Section 1.

That the Frederick Municipal Code is amended by the addition thereto of Chapter 3, as follows:

**Chapter 3
Article I
Art in Public Places**

Sec. 3 - 1 Purpose.

The purpose of this chapter is to provide a means to fund the acquisition and maintenance of works of art by the Town and to establish guidelines for the selection and display of these works of art.

Sec. 3 - 2 Definitions.

For the purpose of this chapter the following words or phrases shall be defined as set out below:

- A. "Art in Public Places" means any visual work of art displayed in an open Town-owned area, on the exterior of any Town-owned facility, inside any Town-owned facility in areas designated as public areas, or on non-Town property if the work of art is installed or financed either wholly or in part with Town funds or grants provided by the Town.



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B. "Commission" means the Frederick Arts Commission created by Ordinance 521.

C. "Construction cost" means the actual cost of any construction project with an estimated construction cost of \$25,000.00 or more, excluding, however, engineering and administrative costs, costs of fees and permits and indirect costs, such as interest during construction, advertising and legal fees.

D. "Construction project" means the construction, rehabilitation, renovation, remodeling, equipping or improvement of any building, street, park, utility line or public improvement by or for the Town, including all associated landscaping, parking and the like, but excluding any improvements made by any special improvement district and any other improvements exempted by the Board of Trustees from the requirement of Section 3 - 3 after a public hearing thereon.

E. "Reserve account" shall mean the Art in Public Places Reserve Account established by this chapter.

F. "Work of art" includes, but is not limited to, a sculpture, monument, mural, fresco, relief, painting, fountain, banner, mosaic, ceramic, weaving, carving and stained glass. "Work of art", would normally not include paving or signs.

Sec. 3 - 3 Funds for Works of Art.

There shall be included in all estimates of necessary expenditures and all requests for authorizations or appropriations for construction projects an amount for works of art equal to at least one percent of the construction cost. If any project is partially funded from any source which precludes art as an object of expenditure of funds, then this section shall apply only to the amount of funds not so restricted. All funds set aside for works of art shall be paid into the reserve account.

Sec. 3 - 4 Account Established.

There is hereby established a reserve account within the Public Works Fund to be known as the Art in Public Places Reserve Account. Said reserve account shall be credited with such funds as determined by the Board of Trustees and with all funds received by the Town for visual Art in Public Places, whether contributed, earned, secured through grants or otherwise obtained. Monies credited to such account shall be expended only for the acquisition of works of art, maintenance and the repair of works of art and the expenses of the administration of this chapter.

Sec. 3 - 5 Administration.

The Commission shall administer the provisions of this chapter relating to the acquisition of works of art and their display. The administrative staff of the Town shall provide support and assistance to the Commission as necessary to accomplish the purpose of this chapter, and shall be reimbursed for actual expenses incurred as expenses of administration. The Commission shall submit to the Board of Trustees, not later than March of each year, a report of its activities for the prior year.



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Sec. 3 - 6 Guidelines.

The Commission shall adopt guidelines:

- A. To identify suitable art objects for Town buildings;
- B. To facilitate the preservation of art objects and artifacts that may be displayed in public places;
- C. To prescribe a method or methods for competitive selection of art objects for display;
- D. To prescribe procedures for the selection, acquisition and display of Art in Public Places; and
- E. To set forth any other matter appropriate to the administration of this chapter.

Sec. 3 - 7 Selection and Display Standards.

In performing its duties with respect to Art in Public Places, the Commission shall give special attention to the following matters:

- A. Conceptual compatibility of the design with the immediate environment of the site;
- B. Appropriateness of the design to the function of the site;
- C. Compatibility of the design and location with a unified design character or historical character of the site.
- D. Creation of an internal sense of order and a desirable environment for the general community by the design and location of the work of art;
- E. Preservation and integration of natural features for the project;
- F. Appropriateness of the materials, textures, colors and design concept; and
- G. Representation of a broad variety of tastes within the community and the provision of a balanced inventory of Art in Public Places to insure a variety of style, design and media throughout the community.

Sec. 3 - 8 Display of Art in Public Places.

- A. Works of art selected and implemented pursuant to the provisions of this chapter may be placed in, on or about any public place or, by agreement with owner thereof, any private property with substantial public exposure in and around the



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Town of Frederick. Town officials responsible for the design and construction of public improvements in the Town shall make appropriate space available for the placement of works of art, in consultation with the Commission. The Commission shall advise the Board of Trustees of the Commission's decision regarding the design, execution and placement of works of art in connection with public improvements. For any proposed work of art requiring an extraordinary operation or maintenance expense, the commission shall obtain prior written approval of the Board of Trustees before approving the same.

Works of art owned by the Town may be loaned for exhibition elsewhere, upon such terms and conditions as deemed necessary by the Commission, and approved by the Board of Trustees.

B. All Art in Public Places shall receive the prior review and approval of the Commission. No work of public art shall be removed, altered or changed without the prior review and approval of the Commission.

C. No work of art financed or installed either wholly or in part with Town funds or with grants provided by the Town shall be installed on privately owned property without a written agreement between the Commission acting on behalf of the Town, and the owner specifying the proprietary interests in the work of art and specifying other provisions deemed necessary or desirable by the Town Attorney. In addition, such written agreements shall specify that the private property owner shall assure:

1. That the installation of the work of art will be done in a manner which will protect the work of art and the public;
2. That the work of art will be maintained in good condition; and
3. That insurance and indemnification will be provided as appropriate.

D. Installation, maintenance, alteration, refinishing and moving of Art in Public Places shall be done in consultation with the artist whenever feasible.

E. The Town Clerk shall maintain a detailed record of all the Art in Public Places, including site drawings, photographs, designs, names of artists, and names of architects whenever feasible. The Town shall give appropriate recognition to the artists in publicity and promotion regarding Art in Public Places.

Sec. 3 - 9 Ownership.

All works of art acquired pursuant to this chapter shall be acquired in the name of, and title shall be held by the Town of Frederick, Colorado.



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Section 2. **EFFECTIVE DATE**

This ordinance shall be published and become effective as provided by law.

Section 3. **SEVERABILITY**

If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. **REPEALER**

All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED, READ, ADOPTED, AND ORDERED PUBLISHED THIS 25th
DAY OF February, 19 99.

Town of Frederick

By: Edward J. Tagliente
Edward J. Tagliente, Mayor

ATTEST:

By: Karen Borkowski
Karen Borkowski, Town Clerk